

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 361,
Title 14, California Code of Regulations
Re: Archery Deer Hunting

- I. Date of Initial Statement of Reasons: December 21, 2006
- II. Date of Pre-adoption Statement of Reasons: March 19, 2007
- III. Date of Final Statement of Reasons: April 27, 2007

IV. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: February 2, 2007
 Location: Monterey, California
- (b) Discussion Hearing: Date: March 2, 2007
 Location: Arcata, California
- (c) Discussion Hearing: Date: April 13, 2007
 Location: Bodega Bay, California
- (d) Adoption Hearing: Date: April 25, 2007
 Location: Teleconference

V. Update:

Existing regulations provide for the number of license tags for existing archery zone hunting and area-specific archery hunts. The original proposal changed the number of tags for existing hunts to a series of ranges. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

In response to a public request for increased opportunity for archery hunters, the Commission requested the Department to provide an alternative for late season archery hunts. The Department provided an alternative and analysis for late season archery hunts in zones D-3, D-4, and D-5 identified as Alternative #4 in the Initial Statement of Reasons. As a result of the analysis, it was determined that a corresponding sizeable decrease in general zone tags would be necessary in order

to offset the additional buck harvest resulting from the implementation of these additional area-specific archery hunts. Pursuant to its April 25, 2007 meeting, the Commission did not elect to pursue this alternative.

The original proposal corrected a subsection reference to the bag limit for Area-Specific Archery Hunt A-32; created a new Area-Specific Archery Hunt on Fort Hunter Liggett, A-33; and changed the number of license tags for Area-Specific Archery Hunts to a series of ranges. The proposal is further modified to provide the final tag quotas based on updated harvest and population analysis. Pursuant to its April 25, 2007 meeting, the Fish and Game Commission adopted the subsection bag reference correction to the A-32 Hunt; the new Area-Specific Archery Hunt, A-33; and the final tag quotas as follows:

Archery Deer Hunting: § 361 2007 Final Tag Allocations (Modified Proposal)			
Hunt Number (and Title)	Current	Original Proposal	Modified Proposal
A-1 (C Zone Archery Only Tag)	2,045	150-3,000	2,045
A-3 (Zone X-1 Archery)	265	50-1,000	265
A-4 (Zone X-2 Archery)	10	5-100	5
A-5 (Zone X-3a Archery)	35	10-300	30
A-6 (Zone X-3b Archery)	90	25-400	75
A-7 (Zone X-4 Archery)	105	25-400	100
A-8 (Zone X-5a Archery)	20	15-100	15
A-9 (Zone X-5b Archery)	5	5-100	15
A-11 (Zone X-6a Archery)	55	10-200	90
A-12 (Zone X-6b Archery)	175	10-300	110
A-13 (Zone X-7a Archery)	30	10-200	40
A-14 (Zone X-7b Archery)	20	5-100	20
A-15 (Zone X-8 Archery)	25	5-100	30
A-16 (Zone X-9a Archery)	130	50-500	130
A-17 (Zone X-9b Archery)	300	50-500	300
A-18 (Zone X-9c Archery)	350	50-500	350
A-19 (Zone X-10 Archery)	120	25-200	120
A-20 (Zone X-12 Archery)	115	50-500	115

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Hunt Number (and Title)	Current	Original Proposal	Modified Proposal
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100	25
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500	1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200	100
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75	35
A-26 (Bass Hill Archery Buck Hunt)	30	10-100	35
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75	10
A-30 (Covelo Archery Buck Hunt)	40	20-100	40
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500	1,000
A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt)	250	50-300	250
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	New	25 Military* & 25 Public	25 Military* & 25 Public

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public recommendations were included in the Initial Statement of Reasons as Responses to Public Recommendations for Changes In the Mammal Hunting and Trapping Regulations Received by the Fish and Game Commission Between February 21, 2004 and February 2, 2007.

Additional responses and analysis to public comments received are included in the attached - Responses to Public Comments for Changes In the Mammal Hunting and Trapping Regulations Received by the Fish and Game Commission Between February 3, 2007 and April 13, 2007.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1812 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Modify/Clarify Bag Definition for Hunt A-32

There is no reasonable alternative to the proposed action.

2. Establish New Area-Specific Archery Hunt A-33

Modify the area description to include all of Monterey County. This proposal was considered and rejected because it would directly overlap with existing Hunt A-24, be inconsistent with the current harvest management of deer herds in Monterey County, and not meet the desired harvest goals specific to the Base.

3. Number of Tags

There is no reasonable alternative to the proposed action.

4. Establish New Late Season Area-Specific Archery Hunts in Zones D-3, D-4, and D-5

This alternative, requested for consideration by the Fish and Game Commission, would create late season archery buck hunts within the D3-5 zone complex. No late season archery deer hunting opportunities currently exist in these zones and this alternative was requested by the Fish and Game Commission in order to meet public demand for increased archery hunter opportunity.

This alternative consists of creating zone specific hunts in which the harvest is limited to remain within the harvest buffer for each zone contained within the proposed project. Season alternatives include a two-week season beginning one week following the close of the general season. Based on 2005 population models (2006 population modeling is on-going at this time), the tag quota for each hunt would be as follows:

D-3 = 25-100 tags; D-4 = 10-50 tags; D-5 = 25-100 tags.

The season timing, length, and tag ranges presented above are suggested such that the harvest remains within the harvest buffers presented for the proposed project. Shifting the season later, lengthening the season, and/or increasing the tag quota may require the Commission alter other zone alternatives in order to accommodate this additional harvest.

The Department of Fish and Game did not include this alternative as part of its proposal due to the current hunting management system for this zone complex. Zones D3-5 are currently managed to maximize hunter opportunity; tags are sold "over-the-counter" (up to a maximum of 33,000) to provide hunting opportunity whenever a hunter wants to take advantage of it. The implementation of additional hunts such as this reduce the number of bucks available for the general season hunts and may result in a substantial decrease in the tag quota for the general season, thereby negating the intent of the current hunting management system for the zone complex area.

(b) No Change Alternative:

1. Modify/Clarify Bag Definition for Hunt A-32

The no change alternative was considered and found inadequate to attain the project objectives, because it would create an inconsistency in the regulations, resulting in confusion regarding appropriate bag possession.

2. Establish New Area-Specific Archery Hunt A-33

The no change alternative was considered and found inadequate to attain the project objectives, because opportunities for late season archery hunting are limited, and a specific demand for these hunt opportunities would remain unmet.

3. Number of Tags

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The no-change alternative would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action corrects a subsection reference, creates a new hunt, and adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

UPDATED INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for a bag and possession limit for Hunt A-32 of one either-sex deer per tag. The current verbatim references the incorrect Title 14, CCR, subsection describing either-sex deer and is inconsistent and misleading. The proposal would correct the error by changing the subsection reference from subsection 351(b), Title 14, CCR; to the correct subsection reference, 351(c), Title 14, CCR thereby eliminating any conflict or confusion.

Existing regulations provide deer hunting area descriptions, seasons, bag and possession limits, and number of tags for Zone A. The zone currently provides limited late season archery deer hunting opportunities in the zone, Hunt A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt). In an effort to increase opportunity for archery method hunters, provide a higher expectation of success, and meet public demand for increased hunter opportunity while meeting approved deer herd plan objectives, the proposal would establish a new late season archery hunt opportunity in Zone A on the Fort Hunter Liggett Military Base. The proposal creates a new Area-Specific Archery Hunt, A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt). The area would include that portion of Monterey County lying within the exterior boundaries of the Hunter Liggett Military Reservation, except as restricted by the Commanding Officer. The season would be open on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through the Veteran's Day holiday in November, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The bag and possession limit would be one, either-sex deer with a recommended tag quota range of 20-100 tags to be split between military only personnel, distributed by the Base; and the general public, distributed through Department drawing. Special conditions would include a tag refund exchange policies in case of hunt cancellation by the Commanding Officer. This proposal would meet an expressed public demand for increased late season and archery hunting opportunity, maintain appropriate harvest levels within the Hunter Liggett Military Reservation and Zone A deer herds, and be consistent with existing deer herd management plan recommendations.

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Minor editorial changes were made for clarification in the regulations. Subsection 361(b)(25)(A) provides an area description for Hunt A-30 and contains spelling errors. The references to "Humbolt" are corrected to "Humboldt" for clarification.

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